

Nuclear Regulatory Commission

§2.1314

§2.1310 Notice of hearing consisting of written comments.

A notice of hearing consisting of written comments will:

- (a) State the issues to be considered;
- (b) Provide the names and addresses of participants;
- (c) Specify the schedule for the filing of written testimony, statements of position, proposed questions for the Presiding Officer to consider for submission to the other parties, and rebuttal testimony, consistent with the schedule provisions of §2.1321.
- (d) State any other instructions the Commission deems appropriate.

§2.1311 Conditions in a notice or order.

- (a) A notice or order granting a hearing or permitting intervention shall—
 - (1) Restrict irrelevant or duplicative testimony; and
 - (2) Require common interests to be represented by a single participant.
- (b) If a participant's interests do not extend to all the issues in the hearing, the notice or order may limit her/his participation accordingly.

§2.1312 Authority of the Secretary.

The Secretary or the Assistant Secretary may rule on procedural matters relating to proceedings conducted by the Commission itself under this subpart to the same extent they can do so under §2.772 for proceedings under subpart G.

§2.1313 Filing and service.

- (a) Hearing requests, intervention petitions, answers, replies and accompanying documents must be served as described in paragraph (b) of this section by delivery, facsimile transmission, e-mail or other means that will ensure receipt by close of business on the due date for filing. Any participant filing hearing requests, intervention petitions, replies and accompanying documents should include information on mail and delivery addresses, e-mail addresses, and facsimile numbers in their initial filings which may be used by the Commission, Presiding Officer and other parties for serving documents on the participant.
- (b) All filings must be served upon the applicant; the General Counsel,

U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; and participants if any. If service to the Secretary is by delivery or by mail the filings should be addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff. E-mail filings may be sent to the Secretary at the following e-mail address: SECY@NRC.GOV. Facsimile transmission filings may be filed with the Secretary using the following number: 301-415-1101.

- (c) Service is completed by:
 - (1) Delivering the paper to the person; or leaving it in her or his office with someone in charge; or, if there is no one in charge, leaving it in a conspicuous place in the office; or, if the recipient has no office or it is closed, leaving it at her or his usual place of residence with some occupant of suitable age and discretion;
 - (2) Depositing it in the United States mail, properly stamped and addressed; or
 - (3) Any other manner authorized by law, when service cannot be made as provided in paragraphs (c) (1) or (2) of this section.
 - (4) For facsimile transmission, sending copies to the facsimile machine of the person being served;
 - (5) For e-mail, sending the filing in electronic form attached to an e-mail message directed to the person being served.
- (d) Proof of service, stating the name and address of the person served and the manner and date of service, shall be shown, and may be made by—
 - (1) Written acknowledgment of the person served or an authorized representative; or
 - (2) The certificate or affidavit of the person making the service.
- (e) The Commission may make special provisions for service when circumstances warrant.

§2.1314 Computation of time.

- (a) In computing time, the first day of a designated time period is not included and the last day is included. If the last day is a Saturday, Sunday or